

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UNITED STATES POSTAL SERVICE

and

Case 09-CA-191579

**AMERICAN POSTAL WORKERS UNION,
LOCAL 232, AFL-CIO**

DECISION AND ORDER

Statement of the Case

On October 24, 2018, the United States Postal Service (the Respondent); American Postal Workers Union, Local 232, AFL-CIO (the Union); and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to Board approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.¹

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.²

¹ Chairman Ring is recused and took no part in the consideration of this case.

² We note that the remedy to which the parties have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007); *United States Postal Service*, 28-CA-017383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003). These broad orders, as enforced by the United States Courts of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect.

Member Emanuel would not approve the provision of the Order that requires the Respondent to cease and desist from refusing to bargain with "any other labor

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondent's business

The Respondent provides postal services for the United States of America and operates various facilities throughout the United States in performing that function, including its facility at 2323 Citygate Drive, Columbus, Ohio. The Board has jurisdiction over the Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act (39 U.S.C. § 101 et seq.).

2. The labor organization involved

At all material times, American Postal Workers Union, AFL-CIO, Local 232 has been a labor organization within the meaning of Section 2(5) of the Act.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, Columbus, Ohio, its officers, agents, successors, and assigns, shall

1. Cease and desist from the following in connection with its employees employed at its facility at 2323 Citygate Dr., Columbus, Ohio, in the following bargaining unit, in which the Union represents a majority of the Respondent's employees:

All maintenance employees, motor vehicle employees, postal clerks, mail equipment shops employees, material distribution centers employees and operating services and facilities employees, excluding managerial and supervisory personnel, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards, postal inspection service employees, rural letter carriers, mail handlers, and letter carriers.

(a) Refusing to bargain collectively and in good faith with the American Postal Workers Union, AFL-CIO, Local 232, or any other labor organization, by unduly delaying

organization," because no violations against other unions are alleged as part of this case.

furnishing information that is relevant and necessary to the Union in performing its duty as the exclusive bargaining representatives of the bargaining unit, or by unduly delaying in telling the Union that the information does not exist.

(b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by the National Labor Relations Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

(a) Within 14 days of service by the Region:

Post at its 2323 Citygate Dr., Columbus, Ohio facility a copy of the Notice to Employees that the Regional Director for Region 9 shall provide to the Respondent for posting. The Region will provide ten (10) copies of the Notice that the Respondent will be required to duplicate in color, at its own expense, before posting. The duplicated copies, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted.

(b) Within 21 days after service by the Region, the Respondent shall submit one signed and sworn Certification of Compliance, Part I form certifying that it has complied with this Settlement Stipulation by providing the dates and specific locations (i.e., break room bulletin board) where the Respondent posted the Notice.

Dated, Washington, D.C., May 30, 2019.

Lauren McFerran, Member

Marvin E. Kaplan, Member

William J. Emanuel, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX

**NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER
AND A CONSENT JUDGMENT OF ANY APPROPRIATE
UNITED STATES COURT OF APPEALS**

FEDERAL LAW GIVES YOU THE RIGHT TO:

Form, join, or assist a union;
Choose a representative to bargain with us on your behalf;
Act together with other employees for your benefit and protection;
Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT refuse to bargain collectively and in good faith with the American Postal Workers Union, AFL-CIO, Local 232, or any other labor organization, by unduly delaying furnishing information that is relevant and necessary to the Union in performing its duty as the exclusive bargaining representatives of the bargaining unit, or by unduly delaying in telling the Union that the information does not exist.

WE HAVE provided the Union with the information it requested on November 8, 2016.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce employees in the exercise of the rights guaranteed them by Section 7 of the National Labor Relations Act.

UNITED STATES POSTAL SERVICE

The Board's decision can be found at www.nlrb.gov/case/09-CA-191579 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

